

GEO. C. JOHNSON.

[To accompany bill H. R. No. 493.]

MARCH 30, 1838.

Mr. MURRAY, from the Committee on Indian Affairs, submitted the following

REPORT:

The Committee on Indian Affairs, to whom was referred the memorial and accompanying papers of George C. Johnson, beg leave to submit the following report :

That it appears from the memorial and accompanying papers, that George C. Johnson, a citizen of Miami county, Ohio, was lawfully licensed to trade with the Shawnee Indians, at Wapahkonetta and St. Mary's, State of Ohio, in which business he was engaged for fourteen years, and employed in the trade some \$3,000 per year. That as game disappeared, the Indians became poor and needy, and importuned him to let them have goods and provisions on credit, which he avoided as much as possible, but was compelled, nevertheless, from their necessities, to let them have from year to year on credit. That when they were about to sell their lands, they met in council, and came to a settlement with Johnson, by which they fell in his debt \$20,510 ; whereupon, on the same day, it being the 29th July, 1831, they executed to Johnson their obligation for the payment of the money, before they should leave Wapahkonetta. The obligation is marked No. 28 in the papers, and is attested by J. Duchouquet, United States interpreter ; and the account is certified to have been correctly added up by George Moffett, who appears to have been a clerk for Johnson. On the 8th of August, 1831, the Shawnees ceded to the United States their Wapahkonetta and Hog creek reserves, by treaty concluded with James B. Gardner, specially appointed commissioner, and John McElvain, Indian agent, who appears by his certificate, No. 2, to have been appointed as such in 1829.

Gardner (who appears to have been the principal hand in the matter) was informed by the Indians that they were much in debt, particularly to Johnson ; that they could not leave the country till their debts were paid ; and that they would not sign the treaty, unless the Government would pay their debts. The commissioner assured them that the Government should pay all their just debts, if they would sign the treaty ; upon which condition they seem to have consented to sign it. This is asserted in the petition, and proved by the papers Nos. 3 and 17. From these papers, and the evidence of James Watson Riley, clerk of the

court at St. Mary's, and other testimony, it appears that the Indians considered themselves as having been deceived by Gardner on this point, as there was no such stipulation in the treaty ; and that usually, at the mention of his name afterwards, they would show strong signs of excitement and indignation.

In addition to the stipulations of the treaty, (one item of which was \$13,000 for improvements,) Congress, by the act of July 14, 1832, granted an annuity to the Shawnees, of \$2,000 per year, for fifteen years. From the letter of A. C. Harris, Commissioner of Indian Affairs, it appears that the correspondence of that office shows that the appropriation in question was designed to be used for the payment of the just debts of the Indians ; and in this light the Indians appear to have considered it themselves, as appears from the speech of We-will-a-pee, (No. 3,) delivered on behalf of the Indians in council, at Piqua, August the 9th, 1832. The speech is signed by the speaker and eight other chiefs, and witnessed by John Moffett, interpreter, and William R. Barrington. It is also certified by James B. Gardner to have been signed by them, with a full knowledge of its contents.

After making this speech in said council, in which the speaker says, " this (the \$30,000) will pay our debts, and we wish to appropriate it for the discharge of all claims against us as quick as possible," the said chiefs on the same day executed to Johnson another obligation, (No. 18,) reciting the settlement of the 29th July, 1831, and the amount due to Johnson, and binding themselves to pay Johnson \$4,000 that fall, out of the moneys they were expecting to receive for their improvements. For the payment of the balance they recite the execution and delivery to Johnson of certain drafts on the Government. The drafts alluded to (Nos. 5, 6, 7, 8, 9, 10, 11, 12, in the papers, being eight in number) bear date the same day, the said 9th August, 1832, and are drawn in favor of Johnson, upon the Secretary of War, or any other Government officer or agent authorized to pay the Shawnee nation sums of money stipulated by treaty or appropriated by acts of Congress. Seven of them are drawn for the payment of \$2,000 each, to be paid successively in each successive year, from the year 1833 to the year 1839, inclusive. The eighth is for the payment of \$2,510 in the year 1840. The said obligation and several drafts are all signed by the said nine chiefs and headmen, on behalf of the nation, and witnessed by the interpreter, John Moffett, and by Barrington and others. They are also certified by James B. Gardner, special agent and superintendent of the removal of Ohio Indians, to have been acknowledged before him by said chiefs, with a full understanding of their contents, at Wapahkonetta, on the 6th September, 1832.

On the 10th September, 1832, the Indians met Gardner and McElvain at Wapahkonetta, for the purpose of receiving payment for their improvements. They signified a wish that four boxes, being \$4,000, should be paid to Johnson ; but owing to some altercation and harsh language between the Indians and Gardner, the meeting was broken up without anything being done.

On the next day, the 11th, McElvain met the Indians at the same place, and informed them that he had come to settle all differences between them and Gardner, and that he wished them to determine in what manner they would receive their money. They again said they wanted

Johnson to have four boxes ; whereupon McElvain took the vote of the Indians three several times, causing the interpreter each time to make a full explanation ; and they determined on each occasion, without a dissenting voice, that Johnson should have the \$4,000. When Gardner was called, and the result made known, he became exasperated, and ordered the wagon off, with the money, and mounted his horse to go himself. He was, however, detained by the Indians ; after which, he agreed that Johnson might have \$2,000, which was assented to, and he received the money accordingly. These statements are amply proven by the depositions or affidavits marked Nos. 30, 31, 32, 33, 34, 35, and 16, which are sworn to and subscribed before a magistrate, and certified by the clerk of the court, with his seal of office.

For the other \$2,000 a draft was given by the Indians to Johnson, for \$2,000, drawn upon the Government, and made payable in the year 1841. It is drawn in the same form, and signed and witnessed in the same manner, as the former drafts before alluded to, and certified by Gardner and McElvain to have been acknowledged by the chiefs signing the same, with a full knowledge, on their part, of its contents. It bears date September 11, 1832, and is marked No. 13. The memorialist states that the Secretary of War, upon application for that purpose, refused to pay the said drafts, and advised him to apply to Congress.

By the memorial (No. 4) signed by one hundred and forty-one Shawnee chiefs, headmen, warriors, and heads of families, at the Indian agency, on the 29th May, 1833, the settlement of the 29th July, 1831, and the amount due Johnson, are recited ; also, the execution to him of their former obligations, and the several drafts, with a statement that they would not have sold their possessions in Ohio, but for the understanding that their debts should be paid, which was promised by Gardner. They pray Congress to make provision for the payment of their debt to Johnson. This memorial has been signed by the Indians since their removal to the west of the Mississippi, and is witnessed by Richard W. Cummins, Indian agent, John Campbell, sub-agent, and Anthony Shane, United States interpreter ; all of whom certify that it was signed after it was read, interpreted, and fully understood by the Indians. It is proved by abundant testimony that the Indians have ever acknowledged the justice of this debt, and have always been anxious for its payment. They appear to have had great confidence in Johnson, and friendship for him. In the speech in council, (No. 3, before referred to,) he is said to have been "their strong friend in the darkest times ; that he trusted them for food and clothing in times of the greatest necessity ;" the justice of the claim is acknowledged, and their wish expressed to make it secure, by "strong papers, obligatory on the Shawnee nation."

The affidavit of John Moffett, (No. 14,) and his certificate, (No. 20,) show that he was well acquainted with the customs and language of the Shawnees. He appears to have been the interpreter in all the important transactions between Johnson and the Indians ; and at the most important of these transactions, in August, 1832, he was sworn to interpret correctly. He states that the Indians always acknowledged the justice of the debt, and had the greatest friendship for Johnson.

The papers Nos. 1, 2, and 27, show that he was a licensed trader.

That he was reputed an honest, honorable man, and a fair dealer, will

be seen by certificates Nos. 19, 20, 21, 22, 23, 24, 25, 26, 27, and by the affidavits Nos. 30, 31, 32, 33, 34, and 35.

No. 19, and some other certificates, state that the articles furnished the Indians were articles of necessity, and not spirituous liquors.

That the Indians were sensible, shrewd, and good hands to trade, is stated by Elliott and Moffett, Nos. 20 and 32, and also by other testimony.

Certificates Nos. 26, 27, 29, contain statements of Johnson's embarrassments in consequence of his failure to obtain his Shawnee debts, which are certified to be just.

The foregoing facts sustain the following conclusions :

1st. That the demand claimed by Johnson, against the Shawnees, is just, and ought to be paid.

2d. That the payment of their debts was one of their chief objects in view when they sold their lands.

3d. That the payment of their debts was one of the principal considerations in appropriating to them the said \$30,000, by act of Congress, July 14th, 1832.

4th. The assent of the Indians that Johnson's debt should be paid out of this fund.

A bill is herewith reported.